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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of — Atty. Docket

BRUNING ET AL — US020023

Serial No. 10/055,351 — Group Art Unit 2673

Filed: January 22, 2002

SEAMLESS HIGHLIGHTING IN LCD MONITORS AND LCD-TV

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

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On: Jan. 6, 2004

By: Elissa De Luccy

RESPONSE

Sir:

In response to the Office Action dated 6 October 2003 in the above-identified patent application, attorney for applicants respectfully traverses the rejection of all claims as obvious in view of cited prior art. Specifically, all claims (1-25) stand rejected under 35 USC 103(a) as being unpatentable over Cole et al. (U.S. Patent 6,496,236) in view of Yamamoto et al. (U.S Patent 6,313,586).

Cole et al.

Contrary to what is stated by the Examiner, Cole does not teach a liquid crystal display panel system *responsive to a highlighting request* and comprising a lamp *having a normal mode and a highlighting mode*. Attorney for applicants cannot find any mention in Cole et al. of a highlighting feature or a description of anything that would effect highlighting.

Further, the Examiner acknowledges that Cole et al. does not teach increasing the current to the lamp from a normal mode current to an intermediate current above a highlighting mode current and then decreasing the intermediate current to the highlighting mode current (as is recited in claims 1-24). Nor does Cole et al. teach decreasing current to a lamp from a highlighting mode current to an intermediate current below normal mode current and then increasing the intermediate current to the normal mode current (as is recited in claim 25).

What Cole et al. does appear to teach is **uniform** lighting of a display panel by at least two light sources in a manner that increases the combined life of the light sources. Although the **uniform** illumination of the display panel can be selectively increased or decreased, there is no disclosure or suggestion of any means for highlighting.

Yamamoto et al.

Contrary to what is stated by the Examiner, Yamamoto et al. does not teach an intermediate control signal causing an increase in current to a lamp from a *normal mode current* to an intermediate current *above a highlighting mode current* and then a decrease *to the highlighting mode current*.

Yamamoto et al. does not relate to highlighting of a displayed image. In fact, it doesn't even relate to a displayed image. What it does relate to is changing the operating state of a lamp from an unlit standby-state to a stable on-state to reflect light from a document to a solid-state image-reading device (CCD). After the luminous energy of the reflected light is **stabilized**, the CCD begins reading the image. In order to reduce the time duration needed to reach the **stabilized** luminous energy and begin reading, the lamp is temporarily overdriven to a high luminous energy and then lowered to the stable luminous energy state used for reading the document.

Obviousness Not Established

The teachings of Cole and Yamamoto fail to establish a prima facie case of obviousness, as is required of the Patent Office under 35 USC 103. A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (MPEP § 2142)

Clearly there is no disclosure or suggestion of applicants' invention in Cole, as there is nothing in this patent relevant to highlighting or to increasing/decreasing lamp current in the ways claimed by applicants. Nor does Yamamoto add anything that would establish obviousness, as this patent neither relates to image display or even suggests increasing/decreasing lamp current during normal operation of the disclosed image-

reading device (CCD). To the contrary, the CCD reads only when the luminous energy supplied by a light source reaches a stable state.